

OFFICIALS ARE LET OUT

Leper Settlement Committee Report.

(From Thursday's Daily.)

As a result of the investigation made by the Board of Health into the charges of Ambrose Hutchinson, of cruelty to a leper at Molokai, the resignation of Dr. Oliver was demanded yesterday. Bishop Gulistan is requested to remove Father Wendolin from the settlement, and the resignation of Superintendent C. B. Reynolds, tendered some time ago, was accepted, and Jack McVeigh appointed in his stead.

At the regular meeting held yesterday afternoon the findings of the committee, composed of E. P. Dole, W. L. Moore and J. S. B. Pratt were approved, and the majority report recommended the removal of Reynolds and Oliver was adopted. The matter was all out and dried, the action taken yesterday having been decided upon at Monday's secret meeting.

In the reading of the minutes of the special meeting was found for the first time the recommendation for the removal of Father Wendolin. This was embodied in a resolution, introduced by Dr. Cooper, which read as follows:

"Resolved, That the harmony and interests of the Leper Settlement will be promoted by the removal of Father Wendolin, and that the Right Rev. Gulistan, Bishop of Honolulu, be requested to remove him forthwith, and appoint some other priest to fill the vacancy made thereby."

THE COMMITTEE'S REPORT.

M. P. Dole, as chairman of the committee, thereupon read the report, in which was contained also the substance of the evidence taken before the committee at Molokai. It is as follows:

Report of committee in the matter of the investigation of charges presented by Ambrose Hutchinson, leper settlement.

Dr. Henry C. Sloggett, President of the Board of Health.

Sir:—We have the honor to submit the following report, based on the foregoing charges and evidence:

We find that Philip Mikila and William Kalani were not arrested upon a trumped up charge, or without probable cause, that Mikila's friends were not denied access to him; and that such food as he had was at all times sufficient in quantity. We find that the charges in other respects, although not proved in all details, are proved in substance and beyond reasonable doubt.

On December 2nd, 1901, Mikila and Kalani left the settlement in violation of the regulations of the Board of Health. John Waimanua, captain of police, believed and had probable cause to believe, that they had been stealing sheep. No one being on trial for stealing sheep, the committee declined to investigate the truth of this charge, beyond the question whether there was probable cause for arrest. Upon the return of Mikila and Kalani, December 4th, Waimanua arrested them and put them in jail.

Kalani made a confession, and was put in a light, airy cell.

Mikila, denied guilt, and, as a punishment, was put in a cell with no outside window, comparatively dark and stifling. He was given a diet of salmon (which he chose instead of meat), bread and water, and was more or less closely confined for about a week, as a punishment. After that he had ordinary ration, and the liberty of the jail yard, during all of the time he was in jail, from December 4th, 1901, until March 12th, 1902, he was not arraigned on any charge, and no written accusation was made against him.

He was in an advanced stage of leprosy when he was arrested. At the time he was arrested, he was very weak, and had little more than skin and bones. As early as about the first of March his hands and feet were alive with maggots. The stench was offensive. On the 12th of March he was taken home by members of a fraternity to which he belonged. He died on the 13th. He had no proper care before leaving the jail. He had no medical attention, worthy of the name, at any time.

There is only one district magistrate on the island of Molokai. He lives at Pukoo, thirty miles away—but as distant, as far as the physical difficulties of getting to the settlement and leaving it are concerned, as New York is from Chicago. He did not visit the settlement while Mikila was in jail. Without magistrate in the settlement, prompt arraignments and trials are virtually impossible. A resident magistrate can be appointed under existing laws, although there is no appropriation from which he can be paid. We recommend the appointment of a magistrate, to be paid such salary as the next legislature may appropriate.

In transferring the old church at Kalaupapa into a jail, windows should have been cut to give every cell plenty of air and light. We recommend that this be done now.

The arrest of Mikila and Kalani probably comes within the provisions of Sections 545 and 547 of the Penal Laws, which are as follows: "Whenever a crime is committed, and the offenders are known, and any person shall be found near the place where the crime was committed, either endeavoring to conceal himself or endeavoring to escape, or under such other circumstances as to justify a reasonable suspicion of his being the offender, such person may be arrested without warrant. Policemen, or other officers of the jail, in any seaport or town, even in cases where it is not certain that an offense has been committed, may, without warrant, arrest and detain for examination such persons as may be found under such circumstances as justify a reasonable suspicion that they have committed or intend to commit an offense."

Section 551 of the Penal Laws is as follows: "In all cases of arrest for examination, the person, making the same must conduct the party arrested before the court or magistrate empowered to take such examination, within forty-eight hours after his arrest, except in cases where a longer delay is absolutely necessary to meet the ends of justice." The magistrate did not

visit the settlement during the trial of Mikila. During the trial two witnesses could not have been taken to Pukoo (that) but even so, during the trial, I tell you that there was no evidence of any kind of a trial. The Board of Health, for standing alone, a threat against, or without investigation, should be a very low conception of the words, "except in cases where a longer delay is absolutely necessary to meet the ends of justice." Mikila and Kalani could not have escaped if they had been given the liberty of the settlement, and the district magistrate. We think, however, taking into account what can reasonably be expected of a native policeman in such an isolated place, that it would be unjust to hold him responsible for such a construction of a statute as a trained lawyer would give it.

Philip Mikila is a comparatively dark-skinned and depriving him of his eyes, as a punishment for not confessing, or for an offense of which he had not been convicted, was an outrage upon the fundamental principles of Anglo-Saxon liberty.

Waimanua bears an honest name. He is a man of good repute. We think he tries to do his duty, according to his lights. Neither he nor the jailor appeared to be conscious of wrong doing. As most natives would have done under like circumstances, they looked to the white men in charge of the settlement, and took their orders. Making allowance for their subordinate position, and for native characteristics, we think they are less in fault than Mr. Reynolds, and much less in fault than Dr. Oliver. They are, perhaps, as well qualified for their respective positions as any persons who can be found in the settlement to succeed them. We believe that the course expressed in this report will teach them a lesson and serve the purposes of humanity and good government quite as well as their dismissal.

We think that Mr. Reynolds and Dr. Oliver should be judged by more severe standards. They are the men in charge, responsible to the Territorial government and to humanity for such help and comfort as can be given to nearly nine hundred human beings isolated from all the world and slowly dying from a loathsome disease. They are the men to whom the Board of Health, the attorney general, and all departments of the Territorial government rightfully look for full and reliable information in regard to conditions in this isolated and inaccessible lazaretto.

We have absolute confidence in Mr. Reynolds' honesty and honor, and commend his dignified and zealous effort to administer the affairs of the settlement well; but it seems to us that his neglect to ascertain more carefully Mikila's condition when his attention was called to it, was inexcusable, and that his lamentable bad judgment on that occasion calls for severe censure. We are forced to the conclusion, that all departments of the Territorial government, but also that he has neglected his work in other respects. He has shirked grave professional duties, delegating them to a leper who has had no medical training. He has kept no data worth mentioning. There is no place on earth where leprosy can be studied so advantageously as at the leper settlement on Molokai. The physician stationed there, if he can rise to his opportunities, has good prospects of world wide fame. We find that Dr. Oliver deserves very severe censure.

Respectfully submitted, This 14th day of April, 1902.

(Signed) E. P. DOLE, W. L. MOORE, J. S. B. PRATT.

The committee is a unit in regard to the findings of fact and the recommendations set forth in the foregoing report. As there is a difference of opinion in regard to the measures necessary to be taken, it has been thought best that each member should express his views in a supplemental report.

Report of Attorney General and Dr. W. L. Moore:

We have tried to reconcile our consciences to a recommendation that Mr. Reynolds and Dr. Oliver be censured and retained. We cannot do it. While we gloried in the testimony to Mr. Reynolds' upright character and loyal services, his neglect on this occasion was inexcusable or worse, and will, we believe, so shake public confidence in his administration of the leper settlement, and so weaken his influence and authority there, as to make a change of superintendents unavoidable in the near future. We think his resignation, tendered some months ago, should be accepted, to take effect on the appointment of his successor.

We think the evidence proves that on many occasions Dr. Oliver has shamefully neglected his duties and that the interests of humanity demand his removal.

Respectfully submitted this 14th day of April, 1902.

(Signed) E. P. DOLE, W. L. MOORE.

Minority report of Dr. J. S. B. Pratt: I agree with the supplemental report of the majority of the committee in regard to the case of Dr. Oliver, and am unable to do so in the case of Mr. Reynolds. While I consider that he committed a grave mistake in not removing Mikila, when requested to do so by the medical superintendent of the settlement, I do not consider that his not doing so is sufficient cause to call for his resignation.

Respectfully submitted this 14th day of April, 1902.

(Signed) J. S. B. PRATT.

Upon motion of E. A. Mott-Smith, the report was accepted and the recommendations made by the committee were adopted.

ELECTION OF SUCCESSOR.

The question of a successor to Mr. Reynolds was then taken up, the superintendent signifying his willingness to step out on May first or earlier if it suited the board's convenience. Applications for the position were then read from J. E. McVeigh and C. B. Wilson, and upon motion, the vote was made by secret ballot. McVeigh received the unanimous vote of the board. He was for some time connected with the quarantine service in Honolulu, and was a candidate for the position of superintendent at the time Mr. Reynolds was elected.

A committee composed of Drs. Sloggett, Moore, Cooper and Pratt, is to decide upon a successor to Dr. Oliver.

COMMEND MR. REYNOLDS.

The members of the board were unanimous in their expressions of praise for Mr. Reynolds, and a resolution embodying this feeling was adopted. Mr. Dole stated that the duty the committee had to perform was a most disagreeable one, but still it had to be done. He said Mr. Reynolds was an honest and conscientious officer, who always did his duty well. Though Mr. Reynolds had been with the committee during all its investigations, he never sought to influence the members in any way nor have any conversation with

BERRY'S FINANCIAL REPORT WANTS NO

There is little of interest in Berry's financial report to the public. The business weather was not so favorable as it was in all lines of trade for business. "I can see no change in the money market," said a prominent banker today, "but the feeling among business men is better than it has been for months. The rate for sugar is a big received steadily and for the most part are being placed in the credit of the agents who are carrying overstocks in San Francisco. In a short time these overstocks will have been liquidated and then the receipts will come to the islands. In a few months money will be easier and conditions will be normal again."

The bond market has been active as has been evidenced by the fact that out of remaining \$200,000 first mortgage Waiolu bonds to be floated, some \$100,000 has been placed. The sugar company, operating in Kauai, has sold \$150,000 of its bonds. Kihel Plantation Company filed its deed of trust last week, with the Hawaiian Trust Company as trustee. The issue included \$200,000 first mortgage, six per cent bonds. Kihel is completing her bond issue. A block of \$50,000 of Oahu Railway & Land Company bonds was sold during the week at 104 1/2. Hawaiian government bonds are 100 asked. Honolulu Rapid Transit bonds are not quoted; a large block being under operation to a Boston syndicate.

The Inter-Island Steam Navigation Company held its adjourned annual meeting today. New by-laws were adopted and a new Board of Directors chosen. A regular quarterly dividend of one and a quarter per cent has been declared.

Sugar shares are steadier. A standing bid of 69 for Waiolu failed to bring out any stock. Oahu is 90 bid, and Ewa sold at 24. Hawaiian Sugar changed bonds at 25. McBryde advanced to 6, while Kihel fell to 10 1/2.

Payments are getting rather behind, and collections are very crowded. The real estate market is dull and lower prices are the tendency. Building operations, while brisk, are not as extensive as formerly, and rents are still on the decline.

A number of retail firms on Fort street contemplate moving to more commodious quarters. The narrow and crowded condition during business hours are the condemning features. The general merchandise Honolulu Auction Publishing Co., Ltd., Honolulu. The mortgage indebtedness has increased since our last report \$54,545.75. The following instruments have been filed since our last report:

64 Deeds	.....	\$106,710.00
33 Mortgages	.....	\$63,533.67
4 Chattel mortgages	.....	6,536.60
18 Releases	.....	19,895.60
25 Leases	.....
2 Assignments of mortgages	.....
2 Powers of attorney	.....
2 Assignments of leases	.....
5 Bills of sale	.....	3,225.00
4 Agreements	.....
4 Affidavits	.....

express its appreciation of the ability, fairness and courtesy that has characterized Robert W. Breckons during its short session.

A list of the cases investigated by this grand jury, in which true bills of indictment have been found, is hereto attached and made a part of this report.

Charles A. Richardson, violating Sec. 3246 R. S. U. S.

Mannuel R. Castanha, violating Secs. 3258 and 3260 R. S. U. S.

Frank Castanha, violating Secs. 3258 and 3260 R. S. U. S.

Frederick Warde

Yesterday's steamer brought Wm. W. Randall, business manager for the twenty-first annual tour of Frederick Warde, who will open at the Opera House here May 8, in the following repertoire: Thursday, May 8, "Virginia"; Saturday, May 10, "The Mountebank"; Saturday night, "Julius Caesar"; Tuesday, May 13, "King Lear"; Thursday, May 15, "Othello"; Saturday, May 17, "The Merchant of Venice"; Saturday night, "Macbeth"; Tuesday, May 20, "The Lion's Mouth"; Thursday, May 22, "Damon and Pythias." There will be two special nights, one for the Knights of Pythias and one for the Elks.

ABOUT TOWN.

Doan's Backache Kidney Pills in Honolulu.

Readers of the Honolulu papers are familiar with it. At first it created considerable excitement. Week after week went by and the good people of Honolulu ceased to wonder and settled down to the fact that what so many of their neighbors said must be true. Any medicine that is endorsed like Doan's Backache Kidney Pills by our own citizens soon becomes a household remedy. Ask any citizen of Honolulu what will cure kidney trouble and the answer invariably is "Doan's Backache Kidney Pills."

Mr. Charles Comey, of Cyclomere street, this city, is one of the many persons who have tried Doan's Backache Kidney Pills with great advantage. He relates his experience thus: "I have been a hack driver for a number of years past and this is an occupation in which, through exposure to weather and much jumping up and down from the vehicle, one is particularly liable to kidney complaint. I suffered myself, from a lame back for a long while, and in my anxiety to get rid of it tried several things which did not reach the root of my trouble. An advertisement acquainted me with what grand work Doan's Backache Kidney Pills were doing, and I got some of them at the Hollister Drug Co.'s store. I used them and with very much profit, for they relieved my back wonderfully."

Doan's Backache Kidney Pills are for sale by all dealers or sent by mail on receipt of price, 50 cents per box, by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands. Remember the name Doan's and take no other.

The Federal grand jury for the April term set a good example for quick work. A final report was made yesterday by that body after a session of but two days. Three indictments were returned and one ignored. The case against Jean Sabate, charged with violating postal laws, was ignored.

The report says: The United States District Attorney has brought to the attention of the grand jury four cases, all of which have been carefully considered, and in three cases true bills of indictment have been found and returned to your honorable court, and in the fourth case no bill has been returned, as the evidence presented was not deemed sufficient to warrant a conviction.

In concluding its report the grand jury desires to state that there were no secret investigations made, other than those presented by the United States Attorney, and takes this opportunity to

DRINKING PLACES TABOOED BY BOARD.

(From Thursday's Daily.)

There was a full attendance of members of the Board of Health at yesterday's meeting. There were many matters of interest aside from the settlement troubles, which occupied the greater part of the session.

The following resolution of condemnation was adopted:

Whereas, our faithful secretary, C. Chastock, has lately been bereaved of his only child, Clifford Elmer Chastock; Now, therefore, it is

Resolved, That we, the members of the Board of Health, tender to him and his wife our sincere and heartfelt sympathy in their great affliction. And be it further

Resolved, That a copy of this resolution be spread upon the minutes of the board, and also sent to him.

The committee appointed to investigate the conditions of ponds at Wai-kiki recommended their condemnation. The duck ranches in the opinion of the committee are a menace to public health, and should be removed. In regard to the Bishop Estate lands the committee reported that the improvements already made are a mere makeshift and that permanent filling must be had. The matter was referred to the sanitary officer to report in detail that condemnation proceedings may be brought.

The committee to investigate the drinking fountains reported against their being established. The committee had consulted medical men and veterinary surgeons and all were opposed to the drinking fountains for either man or beast as insanitary. It was further suggested that the same style of fountain is to be established in San Francisco and that the result of the experiment there should be awaited by the board.

Dr. Weddick reported that several shacks on Market street, Kahului, Maui, were in an insanitary condition, and the matter was referred to the attorney general with instructions to bring condemnation proceedings.

Several Nuuanu street shacks are to be examined by the sanitary officer for the same purpose.

A letter was received from President Andrews of the Board of Medical Examiners in reply to the request of the Japanese medical society for representation upon the board, in which he said that the law provided for but three members and consequently no additions could be made. In any case it would set a bad precedent as other nationalities would also want to be represented. The certificate of the Japanese consul is to be accepted by the Medical Examiners upon applications for license to practice.

Permission was granted to the Metropolitan Meat Company to run its sewer into Kailua stream from the new slaughter house.

It was decided to have printed copies of the rules and regulations of the board, after a revision had been made, as many of the statutes now on the books have been abrogated by the organic act, and decisions of the courts.

The Hilo sanitary officer reported that improvements were being made by filling the lowlands on the waterfront and that 620 inspections had been made during the month.

Dr. Cooper upon health conditions in the Orient and Australia:

Hongkong—Cholera, 15 cases, 12 deaths; smallpox, 8 cases, 6 deaths; plague, 1 case, one death. Shanghai—Smallpox, 2 cases. Nagasaki—Plague, 1 case. Sydney to March 24th—Plague, 60 cases, 18 deaths. Brisbane, cases all told—Plague, 32 cases, 8 deaths; two weeks to March 26, 7 cases, one death. Extract taken from the bill of health dated March 25, 1902, per S. S. Dorie: Hongkong—Cholera, 20 cases, 14 deaths; smallpox, 8 cases, 6 deaths; plague, 1 case, one death. Shanghai—Smallpox, 3 cases, no deaths.

MISSIONARY FUND HAS BEEN STARTED

At the same hour that the House of Bishops met in Cincinnati yesterday to choose a missionary Bishop for the District of Honolulu Episcopalians here assembled within St. Andrew's Cathedral and offered prayers that the deliberations of that important ecclesiastical body would be productive of good. Bishop Nichols took the celebration at 10 o'clock in the forenoon, assisted by Rev. John Osborne, of St. Clement's church as epistolar, Rev. Canon Mackintosh as epistolar and Rev. Canon Kitch, who sat in the choir. Wray Taylor officiated at the organ. A large number of communicants were present.

There was an offertory, and as this was the day of the election of a Bishop for the District of Honolulu, Bishop Nichols suggested it be made the starting point of a fund to be known as the Missionary District Fund, to be placed at the disposal of the future Bishop.

At 12:15 Bishop Nichols officiated again. There was a good attendance of business men. It was a simple service of intercession, consisting of the litany and special prayers selected by Bishop Nichols.

COULD FILL THE PAPER WITH THEM.

This paper might be filled with items like the following, and every one be the absolute truth. "I had rheumatism for years and tried almost everything, but got no permanent relief until I used Chamberlain's Pain Balm, three bottles of which have cured me. It is the best medicine I ever used."—Philip E. Rhoads, Pennville, Mo., U. S. A. Pain Balm is for sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

Before the Governor.

Upon the receipt of the official communication from the Secretary of the Interior relative to the ruling of Judge

BODY AND BRAINS.

Whether the brains of men are being developed at the expense of the bodies is not a question that we can settle, but there is no question that there are many individual cases where the body is weaker than it ought to be.

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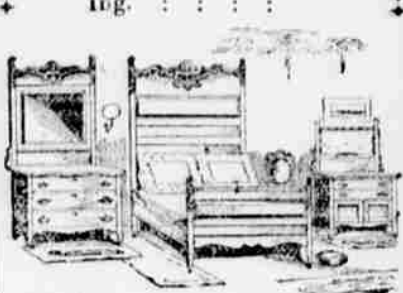
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Van Deventer upon the right of the Territory to grant water rights, the Kohala citch scheme will again be brought to the attention of Governor Cooper. A conference was held yesterday afternoon between Col. Jones who represented the Chicago parties desirous of a franchise and Acting Governor Cooper, but no action was taken.